

REMARKS

Responsive to the Office Action mailed May 20, 2008, Applicants provide the following. Twenty-five (25) claims remain pending in the application: Claims 1-25. Reconsideration of claims 1-25 in view of the remarks below is respectfully requested.

By way of this amendment, Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain any outstanding issues, it is respectfully requested that the Examiner telephone the undersigned at (858) 552-1311 so that such issues may be resolved as expeditiously as possible.

Information Disclosure Statement

1. Applicants thank the Examiner for returning initialed IDS forms for the IDS filed November 20, 2007.

Claim Rejections - 35 U.S.C. §112

2. Claim 19 stands rejected under 35 U.S.C. § 112, first paragraph, as not being enabled by the disclosure. Applicants traverse the rejection and respectfully submit that claim 19 was described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors had possession of the claimed invention.

Specifically, claim 19 recites “comparing the number of viewers with a predetermined minimum number of votes, wherein the content is not displayed if the number of viewers does not meet the predetermined minimum number of votes.” Applicants respectfully submit that support for the above claim may be found in at least page 17, line 17 – page 18, line 11 of the Applicants’ specification. Content which receives a rating value above a predetermined value rating threshold is selected, and the selected content is then displayed to the viewers (page 17, line 17 – line 18 and page 18, line 11). Content which does not receive a rating value above a predetermined value rating threshold is not selected and therefore not displayed. In addition, “a check is performed to ensure that each piece of content receives a sufficient number of votes to reach a predetermined level... if the number of votes falls short of a predetermined level, then the sample

size of the votes is not large enough to compute the rating value for the content” (page 18, lines 6-10). If there is no rating value for the content due to an insufficient number of votes, then rating value of the content can not be compared to a predetermined value rating threshold. It is inherent from the Applicants specification that if there is no rating value to compare to the predetermined value rating threshold, then the content can not be selected and therefore can not be displayed.

Thus, it is respectfully submitted that the rejection is overcome and should be withdrawn.

Claim Rejections - 35 U.S.C. §103

3a. Claims 1-6 and 8-15 stand rejected under 35 U.S.C. § 103(a), as being unpatentable over U.S. Patent No. 7,028,323 (Franken et al.) in view of U.S. Publication No. 2004/0005900 (Zilliacus). Applicants respectfully traverse these rejections as the combination of Franken and Zilliacus fails to teach or make obvious all the limitations set forth by the rejected claims. For example, claim 1 recites in part:

creating profile information associated with the content;
showing the content on a display device;
receiving a vote on the content, wherein the vote reflects the quality of the content; and
updating the profile information associated with the content to reflect the vote

Specifically, the combination of Franken and Zilliacus fails to teach or make obvious at least “receiving a vote on the content, wherein the vote reflects the quality of the content and updating the profile information associated with the content to reflect the vote.” The Office Action states that the “claim differs from Franken et al. in that it further requires that a vote, reflecting the quality of content, is received on the content and that the profile information is updated according to the vote” (page 5, lines 3-5 of the Office Action mailed 5/20/2008). Applicants respectfully assert that the Zilliacus publication also does not teach or make obvious receiving a vote on the content, wherein the vote reflects the quality of the content and updating the profile information associated with the content to reflect the vote.” Instead, Zilliacus discusses “that viewers will be polled for their views on some topic presented in the Program A... then receive a voting menu on their mobile terminal 10” (Zilliacus, paragraphs 33 and 34). The vote of

Zilliacus does not reflect the quality of content; instead the vote is in response to a topic presented in the content and not the content itself.

Further, neither Franken nor Zilliacus teach or make obvious “creating profile information associated with the content and updating the profile information associated with the content to reflect the vote.” The Office Action cites col. 3, lines 5-7 and col. 3, lines 39-42 of Franken in attempts to support this rejection. However, the cited portions merely discloses a list of programming, where the programming list along with the viewing monitor makes a determination of programs which receive the highest viewership. There is no disclosure of profile information or updating of profile information associated with the content to reflect the vote. In addition, Zilliacus also does not teach or make obvious “creating profile information associated with the content and updating the profile information associated with the content to reflect the vote.” Zilliacus discusses “Associated with the IS 40 are an accounts database 42 for storing user account information and a registration database 44 for storing user registration information” (Zilliacus, paragraph 30). However, the user account information and registration database of Zilliacus are associated with the respective user and not profile information associated with the content. Therefore, independent claim 1 is not obvious by Franken in view of Zilliacus.

Claims 2-14 depend from claim 1, Therefore claims 2-14 are also not obvious by Franken in view of Zilliacus due at least to their dependency on allowable claim 1.

With regards to independent claim 15, the language found in claim 15 is similar to the language found in allowable independent claim 1. Therefore the arguments presented above are equally applicable to claim 15. As asserted above with regards to independent claim 1, the combination of Franken and Zilliacus fails to teach or suggest at least means for receiving a vote on the content, wherein the vote reflects the quality of the content as recited in independent claim 15. In addition, as mentioned above, the combination of Franken and Zilliacus fails to teach or suggest at least means for creating profile information associated with the content and means for updating the profile information associated with the content to reflect the vote. Therefore, independent claim 15 is also not obvious by Franken in light of Zilliacus.

With regards to claims 4-6, 10, and 11, the Examiner has taken Official Notice that the language of these claims are a well known concept in the art. Applicants respectfully disagree that the language found in these claims are a well known concept or obvious in the art. Applicants respectfully request additional supporting evidence for the Official Notice regarding claims 4-6, 10, and 11 be provided.

With regards to claim 12, the combination of Franken and Zilliacus further fails to teach or make obvious at least a rating value is determined for the content based on the vote. The Office Action cites col. 3, lines 47-50 of Franken to support the rejection. The Office Action cites col. 3, lines 47-50 of Franken in attempt to support the rejection. However, Applicants assert that nowhere in the cited portion or the rest of Franken teaches or makes obvious at least a rating value is determined for the content based on the vote. Instead, Franken discloses making a "determination of programs which receive the highest viewership, and these programs are ranked" (Franken, col. 3, lines 48-50). The programs of Franken receive a rank through viewership and not through votes. In addition, Zilliacus does not disclose a rating value is determined for the content based on the vote. Zilliacus merely discloses that "viewers will be polled for their views on some topic presented in the program" (Zilliacus, paragraph 33). Zilliacus does not disclose determining a rating value for the content based on the vote. Therefore, claim 12 is not obvious by Franken in view of Zilliacus.

With further regard to claim 14, the combination of Franken and Zilliacus does not teach or make obvious selectively displaying the content based on the comparing the rating value. Instead, Franken discloses that "if the show has sufficiently high ranking or ratings, then it could be selected to be recorded by video recorder" (col. 4, lines 24-26). Franken discloses recording the show rather than displaying the show on the content, however, Franken does not disclose displaying the content based on the comparing the rating value. For the show to be displayed, the user would have to make an additional determination to display the recorded show. The Office Action submits that Franken does not teach or selectively displaying the

content based on comparing the rating value, but the displaying is based on two things (Office Action page 2, line 18 – page 3, line 1). Applicants respectfully disagree and assert that the step of the “user must make the additional determination to display the recorded show” is an unreasonably broad interpretation of the claim (Office Action, page 3 line 2). Therefore, claim 14 is also not obvious by Franken in view of Zilliacus.

3b. Claims 7, 16, 17 and 20-25 stand rejected under 35 U.S.C. § 103(a), as being unpatentable over U.S. Patent No. 7,028,323 (Franken et al.) in view of U.S. Publication No. 2004/0005900 (Zilliacus), and U.S. Publication No. 2002/0065678 (Peliotis et al.). Applicants respectfully traverse these rejections.

Regarding claim 7, Applicants respectfully traverse the rejection in that the combination of Franken, Zilliacus, and Peliotis fails to teach or make obvious all the limitations set forth by the rejected claim. Specifically, Applicants demonstrated above that the combination of Franken and Zilliacus fails to teach or make obvious all the limitations as recited in claim 1, and the Peliotis publication also fails to teach or make obvious at least those limitations demonstrated above as not being taught or made obvious by Franken and Zilliacus. Therefore claim 7 is also not obvious over the applied combination.

With regards to independent claim 16, the combination of Franken, Zilliacus, and Peliotis fails to teach or make obvious all the limitations set forth in the claim. For example, claim 16 recites in part:

- creating profile information associated with content;
- showing the content to a plurality of viewers;
- receiving a vote on the content from each of the plurality of viewers, wherein the vote reflects the quality of the content;
- determining a rating value for the content based on the vote; and
- displaying the content to the plurality of viewers based on the rating value of the content

As demonstrated above with regards to claim 1, the combination of Franken and Zilliacus fails to teach or make obvious at least receiving a vote on the content from each of the plurality of viewers, wherein the vote reflects the quality of content and creating profile information

associated with the content. Therefore the same arguments as presented above are equally applicable to claim 16, and thus independent claim 16 is also not anticipated or made obvious by Franken, Zilliacus, and Peliotis. Further, Peliotis does not disclose receiving a vote wherein the vote reflects the quality of content. In addition, as demonstrated above, the combination of Franken and Zilliacus fails to teach or make obvious determining a rating value for the content based on the vote and displaying the content based on the rating value of the content. Therefore the same arguments as presented above are equally applicable to claim 16, and thus independent claim 16 is also not anticipated or made obvious by Franken, Zilliacus, and Peliotis.

Claims 17-20 depend from claim 16. Therefore claims 17-20 are also not obvious by Franken in view of Zilliacus and in further view of Peliotis due at least to their dependency on allowable claim 16.

With regards to independent claim 21, the combination of Franken, Zilliacus, and Peliotis fails to teach or make obvious all the limitations set forth in the claim. Claim 21 recites similar language to the above claims and therefore the arguments presented above are equally applicable. Specifically, claim 21 recites in part “a content rating module receives a rating value from a viewer for the content and updates the profile information associated with the content, wherein the rating value reflects the quality of the content.” Similar to the arguments presented above, the combination of Franken and Zilliacus does not disclose the rating value reflects the quality of content. Instead, Zilliacus discusses “that viewers will be polled for their views on some topic presented in the Program” (Zilliacus, paragraph 33). Zilliacus does not discuss a content rating module with a rating value which reflects the quality of the content. Peliotis discusses “information pertaining to adult content, adult language, violence” however Peliotis does not disclose receiving the rating value from the user (Peliotis, paragraph 21). Therefore, independent claim 21 is also not anticipated or made obvious by Franken, Zilliacus, and Peliotis.

Claims 22-24 depend from claim 21. Therefore claims 22-24 are also not obvious by Franken in view of Zilliacus and in further view of Peliotis due at least to their dependency on allowable claim 21.

Regarding claim 24, claim 24 recites similar language as claim 14 and therefore

the arguments presented above are equally applicable to claim 24. Therefore, claim 24 is also not obvious by Franken in view of Zilliacus and in further view of Peliotis.

With regards to independent claim 25, the combination of Franken, Zilliacus, and Peliotis fails to teach or make obvious all the limitations set forth in the language of claim 25. Claim 25 has been rejected under similar grounds as claim 16 and further recites similar limitations as found in claim 16. Therefore, the same arguments as presented above are equally applicable to claim 25, and thus, independent claim 25 is also not anticipated or made obvious by Franken in view of Zilliacus and in further view of Peliotis.

3c. Claim 18 stands rejected under 35 U.S.C. § 103(a), as being unpatentable over U.S. Patent No. 7,028,323 (Franken et al.) in view of U.S. Publication No. 2004/0005900 (Zilliacus), in view of U.S. Publication No. 2002/0065678 (Peliotis et al.) and further view of U.S. Patent No. 7,054,827 (Lautzenheiser et al.). Applicants respectfully traverse the rejection in that the combination of Franken, Zilliacus, Peliotis and Lautzenheiser fails to teach or make obvious all the limitations set forth in the claims. Specifically, Applicants demonstrated above that the combination of Franken, Zilliacus, and Peliotis failed to teach all the limitations as recited in independent claim 16, and the Lautzenheiser patent also fails to teach at least those limitations demonstrated above as not being taught by Franken, Zilliacus, and Peliotis. Therefore, claim 18 is also not obvious over the applied combination.

With regards to claim 18, the combination of Franken, Zilliacus, Peliotis and Lautzenheiser fails to teach or make obvious comparing the number of viewers with a predetermined minimum number of votes, wherein the content is not displayed if the number of viewers does not meet the predetermined minimum number of votes. Instead, Lautzenheiser discloses checking “the number of responses for selected answers in the survey database to ensure that corresponding user requests are based on a statistically significant sample size, or the user is notified otherwise” (Lautzenheiser, col. 32, lines 7-11). Applicants respectfully submit, however, that Lautzenheiser merely discloses notifying the user if there is not a statistically significant sample size and does not disclose content is not displayed if the number of viewers

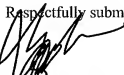
does not meet the predetermined minimum number of votes. Therefore, claim 19 is not obvious by Franken, Zilliacus, Peliotis, and Lautzenheiser.

CONCLUSION

Applicants submit that the above amendments and remarks place the pending claims in a condition for allowance. Therefore, a Notice of Allowance is respectfully requested.

Dated: 7/21/2008

Respectfully submitted,



Thomas F. Lebens
Registration No.: 38,221
Attorney for Applicants
(805) 781-2865

Address All Correspondence To
FITCH, EVEN, TABIN & FLANNERY
120 So. LaSalle Street, Ste. 1600
Chicago, IL 60603

Direct Telephone Inquiries To
Thomas F. Lebens
(805) 781-2865
San Luis Obispo, California Office of
FITCH, EVEN, TABIN & FLANNERY